

REMARKS

The rejection of Claims 1-4 under 35 U.S.C. §103(a) as being obvious over the combined disclosure of U.S. Patent No. 6,294,056 ("US '056") and U.S. Patent No. 6,345,811 ("US '811") is respectfully traversed.

The Examiner's attention is directed to the specification text beginning at page 4, line 32 and continuing on through page 5, line 5, in which Applicants define the meaning of "entrainment fraction" and also explain why such a high fraction is normally disadvantageous. The Examiner's attention is also directed to the disclosure of US '811, in which this aspect is confirmed (see US '811 at col. 6, lines 32-42). That is, the disclosure of US '811 considers an entrainment fraction of 5-10% as being disadvantageous. Consequently, US '811 discloses that it is necessary to completely suppress the entrainment of droplets to the next tray.

This should be contrasted with the presently claimed thermal separation process in which it is required to have an entrainment fraction of more than 10% by weight.

Given the tension between the disclosure of US '811 and that which is presently claimed, it is believed that there can be no issue of obviousness over the combined disclosure of US '056 and US '811.

In the event that the Examiner is not entirely persuaded by this line of reasoning, she is asked to inspect the unexpected advantages of such an entrainment fraction, as indicated in the Examples 1 and 2 disclosed on pages 14-15 of the specification text. For instance, the Examiner is asked to inspect Example 1 (page 14, lines 24-25) and Example 2 (page 15, lines 28-29), in which the entrainment fraction per dual-flow tray was 25% by weight (Example 1, page 14, line 22) and 56% by weight (Example 2, page 15, line 26). The Examiner is now asked to compare the comparative example (pages 12-14), in which the entrainment fraction was 10% by weight. In the comparative example, after a run time of 35 days "the sequence

of 21 dual-flow trays had a total of about 50 kg of undesired polymer" (page 14, lines 10-11).

This should be compared to Example 1, in which a running time of 55 days resulted in no visible polymer formation in the region of the 21 dual-flow trays (page 14, lines 24-25). This should also be compared to Example 2, in which a running time of 155 days resulted in no visible polymer formation in the region of the dual-flow trays (page 15, lines 28-29). Since this advantage is not expected to occur when read in view of the combined disclosure of US '056 and US '811, it is believed that the presently claimed process is unobvious over these two references.

Applicants kindly request that the Examiner acknowledge the same and withdraw this rejection.

The rejection of Claims 1-4 under 35 U.S.C. §112, second paragraph, as being indefinite is believed to be obviated by amendment.

In regard to point A, Applicants have rephrased Claim 1 in a Jepson-format.

In regard to point B, Claim 1 is amended to change "selecting" to read as "adjusting."

In regard to points C and D, Claim 2 is amended to include the phrase "at least some of which being a sequence of sieve trays." Furthermore, Claims 3-4 are amended to change "dual-flow trays" to read "trickle sieve trays."

It is kindly requested that the Examiner withdraw this rejection in view of these amendments.

The objections of any one of Claims 1-11 as being superfluous or under 37 C.F.R. §1.75(c) are obviated by way of amendment.

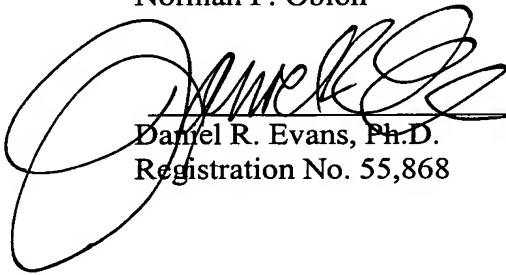
Claim 1 is amended in order to delete the expression "in such a way." Claims 5-11 are amended in order to remove improper multiple dependent claim language.

Applicants note that the Examiner has explicitly acknowledged receipt of the priority document of the present application (DE 103 00 816.0), even though the appropriate boxes on the Office Action Summary have not been checked.

In light of the amendments to the claims and the remarks contained herewith, it is believed that the present application is now in a condition for allowance. Should the Examiner deem that a personal or telephone interview would be helpful in advancing this application towards allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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